

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSIE BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL L. ROBINSON, DISTRICT 4
MICHEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

AGENDA FOR REGULAR COUNCIL MEETING

February 19, 2013
COUNCIL CHAMBERS, CITY HALL
8:30 a.m.

AND

LEGISLATIVE REVIEW MEETING OF THE WHOLE
10th FLOOR CONFERENCE ROOM
February 18, 2013
9:00 a.m.

NOTICE: At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

PLEASE NOTE: If items are scheduled for the Executive Session, the Council will move to Executive Session at 12:00 p.m. (noon) for the consideration of those items, or will hear the items at the end of the agenda or as determined by the Presiding Officer, whichever occurs first.

ROLL CALL

INVOCATION BY POLICE CHAPLAIN CARLOS FLORES

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

1. NATIONAL GIRLS AND WOMEN IN SPORTS WEEK
2. NATIONAL LULAC WEEK
3. MANNY NAJERA DAY
4. HOUSING AUTHORITY OF THE CITY OF EL PASO WEEK

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

NOTICE

Requests to speak must be received by **8:30 a.m.** on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA

1. APPROVAL OF MINUTES:

Approval of Minutes for the Regular City Council Meeting of February 11, 2013.

[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

Mayor John F. Cook and Representative Emma Acosta

3. RESOLUTION:

That the City Manager be authorized to sign an Annexation Agreement between the City and County of El Paso, for 1.5941 acres of real property south of the future extension of Pebble Hills Boulevard (between John Hayes Street and the future Tim Floyd Street) and at the intersection of the future extensions of Ralph Seitsinger Drive and Tim Floyd Street which will specify the terms and conditions in which the property will be annexed should the City annex the property. That the Director of Planning prepare an annexation service plan in accordance with Section 43.056 of the Local Government Code. SUAX12-00002 **(East ETJ, Adjacent to District 5)**

[City Development, Nelson Ortiz, (915) 541-4931]

4. BOARD APPOINTMENTS:

4A. Kimberly Cook McDaniel to the Ethics Review Committee by Representative Michiel R. Noe, District 5. [Representative Michiel R. Noe, (915) 541-4189]

4B. Steve Nordberg to the Community Development Steering Committee by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4886]

REGULAR AGENDA - INTRODUCTIONS**5. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:**

**Public comment typically is not taken during the introduction of ordinances.
Public comments are invited at the date of the scheduled public hearing.**

- 5A.** An Ordinance amending Title 18 (Building and Construction), of the El Paso City Code by repealing Chapter 18.40 (Vacant Buildings) in its entirety and adopting a new Chapter 18.40 (Vacant Buildings) in its place, to reduce the time frame within which a building must register, increase the occupancy requirements, revise the registration and fire protection requirements and provide an adaptive reuse alternative; the penalty being as provided in Section 18.40.130 (Penalty) of the El Paso City Code. **(All Districts)**

[Environmental Services, Kurt Fenstermacher, (915) 621-6892]

[Fire, Carlos Carmona, (915) 485-5600]

- 5B.** An Ordinance amending Title 9 (Health and Safety), Chapter 9.52 (Fire Prevention Code), Section 9.52.030.14 to amend the Miscellaneous Combustible Material Operational Permit language in Section 105 of the International Fire Code; to amend Section 9.52.030.16 to require a Certificate of Occupancy for the issuance of an operational permit; to amend Section 9.52.050.5 to add criteria for miscellaneous combustible materials storage; the penalty as provided in Section 9.52.030.19 (Violation Penalties) of the El Paso City Code. **(All Districts)**

[Fire, Carlos Carmona, (915) 485-5600]

PUBLIC HEARING WILL BE HELD ON MARCH 5, 2013, FOR ITEMS 5A – 5B

ITEM 5C - RELATED TO THE BALLPARK AND RELOCATION

- 5C.** An Ordinance of the City Council of the City of El Paso, Texas, calling a Special Election for the submission of an “An Ordinance repealing a Resolution approved by City Council on June 26, 2012 Styled Under – Regular Agenda – Other Business 12. City Manager: 3. Discussion and action on a Resolution that the City Manager be authorized to sign the Term Sheet as agreed upon by the City of El Paso and Mountain Star Sports Group, LLC, in order to signal the creation of the public/private partnership and the intent of the City Council to construct a public sports facility (“Ballpark”) in the event the investors are able to purchase a Triple-A Minor League Baseball Franchise and relocate it to El Paso; that the City Council intends to locate the Ballpark on the site currently occupied by City Hall, Insights Museum, the Community Garden and the supporting parking area fronting on Franklin Street and authorizes the City Manager to take measures to complete the planning for the redevelopment of such site and to take steps to make the site available for the construction, including termination of leasehold interests, and to move forward to formulate long term and short term execution plans for the relocation of City operations from the City Hall site to other locations in the downtown area for the construction of the Ballpark; that the City Manager be authorized to proceed with proposed financing plan to include the possible use of (i) a venue hotel occupancy tax if approved by the voters at a duly-called election; (ii) lease revenue bonds issued by a local government corporation formed by the city; and/or (iii) other debt obligations issued by or on behalf of the City for the construction and development of the Ballpark; and that the City

Manager or her designee be authorized to negotiate a contract containing the terms and conditions set forth in the term sheet for the construction and future operations and maintenance of the Ballpark and to present it to City Council for consideration upon completion of the negotiations.” to be held within the City on May 11, 2013. **(All Districts)** [City Attorney’s Office, Sylvia Borunda Firth, (915) 541-4550]

- 5D.** An Ordinance of the City Council of the City of El Paso, Texas, calling a Special Election for the submission of Charter Amendments to be held within the City, on May 11, 2013; making provisions for the conduct of the election and other provisions incident and related to the purpose of this Ordinance. **(All Districts)** [City Attorney’s Office, Sylvia Borunda Firth, (915) 541-4550]

PUBLIC HEARING WILL BE HELD ON FEBRUARY 26, 2013, FOR ITEMS 5C – 5D

Public Hearings will be held as part of the regular City Council meeting that begins at approximately 8:30 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk’s office, 2 Civic Center Plaza, Monday through Thursday, 7:00 a.m. to 6:00 p.m.

REGULAR AGENDA – PUBLIC HEARINGS / OTHER BUSINESS

6. CITY ATTORNEY:

Now therefore, be it enacted by the City Council of the City of El Paso, Texas that: (1) Sections 3.2.1 through 3.2.9 inclusive of the agreement enabling the City Manager to establish construction guidelines to erect a baseball stadium on the site of the present City Hall which were adopted on September 18, 2012, by the City Council of the City of El Paso, Texas, be and the same are hereby repealed, (2) that the City Council of the City of El Paso, Texas, its Mayor, John Cook, and any person or corporation or business entity of any type be forbidden from preparing for the demolition of City Hall, and (3) that the demolition of City Hall shall not take place until the citizens of El Paso, Texas, authorize such demolition by voting for it at the next City Election in May, 2013.

(All Districts) [City Attorney’s Office, Sylvia Borunda Firth, (915) 541-4550]

7. MUNICIPAL CLERK:

- 7A.** Discussion and action regarding a Resolution providing for the 2013 General Election in the City of El Paso, calling for an election of the Mayor, four District Representatives, five Municipal Court Judges, and the Judge of the Municipal Court of Appeals to be held within the City on May 11, 2013; and making provisions for the conduct of the Election. **(All Districts)**

[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

- 7B.** Discussion and action on a Resolution that the City Manager be authorized to sign a contract between the City of El Paso and Javier Chacon, County Elections Administrator of El Paso County, at an estimated cost of up to \$111,416.75 to provide election services and equipment for the May 11, 2013 General Election and Special Election; and that the City Manager be authorized to sign amendments to the contract to include revising the estimated election costs due to changes in the calculations based joint election cost sharing or precinct expenses; and that the City Manager be authorized to sign an additional contract with Javier Chacon for the conduct of a runoff election, if necessary.

(All Districts) [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

- 7C.** An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.92 (Ethics), Section 2.92.100 (Campaign Finances), Paragraph 2.92.100 (d) (Required Filings) to require Electronic Filing of Campaign Contribution and Expenditure Reports filed with the City Clerk's Office. **(All Districts)**
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]
- 7D.** Discussion and action that the City Council of the City of El Paso declares an amnesty period effective February 25, 2013, through March 9, 2013, ending at 12:00 midnight on March 9, 2013. During this amnesty period, all violators who pay outstanding parking citations will have the total delinquency fees and collection fees reduced to zero leaving only the fine amount to be paid for each delinquent citation which is paid voluntarily. **(All Districts)**
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

8. CITY DEVELOPMENT:

- 8A.** An Ordinance changing the zoning of a portion of the North Gate Outlet Channel R.O.W. out of Castner Heights Unit One, an Addition to the City of El Paso, El Paso County, Texas from R-4 (Residential) to C-4 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: south of Diana Drive and east of Gateway North Boulevard. Property Owner: El Paso Water Utilities - Public Service Board and City of El Paso. PZRZ12-00031 **(District 4)**
[City Development, Andrew Salloum, (915) 541-4633]
POSTPONED FROM 01-15-13
- 8B.** An Ordinance vacating a portion of the North Gate Outlet Channel R.O.W. out of Castner Heights Unit One, City of El Paso, El Paso County, Texas. SURW12-00018. **(District 4)** [City Development, Nathaniel Baker, (915) 541-4192]
- 8C.** An Ordinance granting a Special Privilege License to Texas Tech University Health Sciences Center for the construction, maintenance, use and repair of a surface parking lot within portions of City right-of-way along Alberta Avenue beneath the Raynolds Street Overpass Bridge for a term of four years with a renewable four year term followed by an additional renewable two year term. (NESV12-00039) **(District 3)** [City Development, Mirian Spencer, (915) 541-4482]
- 8D.** An Ordinance amending Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses and Permits) Subsection F (Fees) to allow flexibility in indentifying annual fees for special privilege licenses and permits granted in the Tax Increment Reinvestment Zones. Penalty is as provided in Section 15.08.125 of the El Paso City Code. **(All Districts)**
[City Development, Mirian Spencer, (915) 541-4482]
- 8E.** An Ordinance vacating Carmelo Court, being a 52' Right-Of-Way in Block 1, Las Palmas Commercial Park Replat "A", City of El Paso, El Paso County, Texas. **(District 6)** [City Development, George Pinal, (915) 541-4152]
- 8F.** An Ordinance vacating Alexis Court, being a 52' Right-Of-Way in Block 1, Las Palmas Commercial Park Replat "A", City of El Paso, El Paso County, Texas. **(District 6)** [City Development, George Pinal, (915) 541-4152]

- 8G.** An Ordinance amending Ordinance No. 017917 which granted a Special Privilege License to El Paso Community College permitting the construction, installation, maintenance and repair of 1000 linear foot subsurface fiber optic cable within portions of City right-of-way beneath Rio Grande Avenue between Oregon Street and Kansas Street, to clarify Section 9, Insurance, and Grantee's Liability as a Public Institution of Higher Education. (NESV12-00012)
(District 8) [City Development, Mirian Spencer, (915) 541-4482]
- 8H.** Discussion and action on the proposed amendments to the Sustainable City Centers Incentive Policy. **(All Districts)**
[City Development, Mathew McElroy, (915) 541-4193]
- 8I.** Discussion and action on the proposed amendments to the Downtown New Construction Incentive Policy. **(All Districts)**
[City Development, Mathew McElroy, (915) 541-4193]
- 8J.** An Ordinance amending Ordinance 017828 allowing a reduction of certain development fees specified in Title 18, Title 19, and Title 20 of the El Paso City Code for areas identified in the City's Sustainable City Centers Incentive Policy, to remove the requirement that the property be zoned smart-code, add additional incentive areas and extend the ending date for the reduction in fees.
(All Districts) [City Development, Mathew McElroy, (915) 541-4193]
- 8K.** Discussion and action on a Resolution that the Mayor be authorized to sign, on behalf of the City of El Paso, an Amendment to Interlocal Agreement between the City of El Paso (the "City") and the El Paso Downtown Management District (the "DMD") for the DMD to manage the City's wayfinding program on City owned kiosks and certain trash bins in the Downtown area and to implement and maintain the submittal of special privilege applications online and to procure IT host services for these applications, subject to the terms and conditions in the Amendment to the Interlocal Agreement. **(All Districts)**
[City Development, Mathew McElroy, (915) 541-4193]

REGULAR AGENDA – PUBLIC HEARINGS

9. DEPARTMENT OF TRANSPORTATION:

- 9A.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV - Speed Limits), Paragraph 12.88.150 (L) (Speed Limits on Loop 375, the Freeway and Frontage Roads), Sub-Paragraphs 12.88.150(L)(2)(a) and 12.88.150(L)(2)(b)(Speed Limit on the Freeway), to amend existing speed limits, the penalty being as provided in Chapter 1.08 (General Penalty) of the El Paso City Code. **(Districts 5 and 6)**
[Department of Transportation, Keith Bennett, (915) 621-6882]
- 9B.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV-Speed Limits) to amend Speed Limits on Mesa Street and to delete obsolete temporary Construction Zone Speed Limits on various city streets, the penalty being as provided in Sections 1.08.010-1.08.030 and 6.16.110, of the El Paso City Code. **(All Districts)**
[Department of Transportation, Keith Bennett, (915) 621-6882]

- 9C.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.44 (Stopping, Standing and Parking Generally), Section 12.44.180 (Regulations Pertaining to Certain Special Situations), Paragraph 12.44.180(B)(22) reserved for city police department, officially marked vehicles, Subparagraph 12.44.180(B)(22)(b) to relocate reserved police department spaces, the penalty being as provided in Section 12.84.010 and Chapter 12.85 of the El Paso City Code. **(District 8)**
[Department of Transportation, Keith Bennett, (915) 621-6882]

10. TAX OFFICE:

An Ordinance amending Title 3 (Revenue and Finance), Chapter 3.04 (Property Taxes), Section 3.04.050 (Delinquent Taxes- Installment Payments) of the El Paso City Code to grant the Tax Assessor the authority to require an initial down payment before or at the time of execution of an installment payment agreement and to prosecute pending tax suits filed prior to the execution of an installment payment agreement and defer enforcement of judgment of such suit for installment payment plans that are current. **(All Districts)** [Tax Office, David Childs, (915) 541-4598]

11. MAYOR AND COUNCIL:

An Ordinance amending Ordinance No. 017351 authorizing the City of El Paso to sell the property municipally known and numbered as 800 S. Piedras aka 2914 E. Paisano to International Communications of El Paso, Inc. to correct the metes and bounds description for the property and re-allocate the proceeds of sale. **(District 8)**
[Representative Cortney Niland, (915) 541-4268]

12. CITY ATTORNEY:

An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions And Definitions), Chapter 20.18 (Sign Regulations) Article I (General Provisions), Article II (Administration), Article III (Billboard Regulations), and Article IV (On-Premises Sign Regulations), Chapter 20.22, (Nonconforming Situations), of the El Paso City Code to exclude from the Provisions of Chapter 20.18, All Bus Bench Advertising Authorized through the City's Franchise Agreement, to add a Definition for Superregional Shopping Centers, to establish Standards for Superregional Shopping Center Changeable Electronic Variable Message (CEVM) Signs, to allow and establish Standards for CEVM Billboard Displays; to amend the Permitting and Registration Requirements for Billboards; and to establish an Exchange Rate for the Conversion of Static Billboards to CEVM Billboards and to clarify the maintenance allowed on Nonconforming Signs. The penalty is as provided in Chapter 20.24 of the El Paso City Code. **(All Districts)**
[City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]

REGULAR AGENDA – OTHER BUSINESS

13. PARKS AND RECREATION:

Discussion and action of the 2012-2022 Updated Parks and Recreation Master Plan as prepared by the City's consultants, Halff Associates, Inc., for the City of El Paso. **(All Districts)** [Parks and Recreation, Nanette Smejkal, (915) 541-4283]
POSTPONED FROM 01-22-13

14. MAYOR AND COUNCIL:

Discussion and action regarding a presentation by United States Army Veteran, Bill Sparks, with the Veterans' Business Resource Center concerning coordination between

the City of El Paso and the El Paso Veterans' community regarding services, outreach, and coordination. [Representative Steve Ortega, (915) 541-4124]

15. CITY MANAGER:

City Manager's report of current events and issues:

15A. Presentation, discussion, and action on the First Quarter FY2013 Budget Report.
[City Manager's Office, Lynly Leeper, (915) 541-4527]

15B. Discussion on the presentation of the City Hall Relocation.
[City Manager's Office, John Neal, (915) 541-4285]

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act and the Rules of City Council.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

EX1. Clear Channel Outdoor, Inc. vs. City of El Paso, Texas; Cause No. 2009-3939 (551.071)
[City Attorney's Office, Kenneth Krohn (915) 541-4550]

EX2. Clear Channel Outdoor, Inc. vs. City of El Paso, et. al.; Cause No. EP-12-CA-00301-FM (551.071) [City Attorney's Office, Kenneth Krohn (915) 541-4550]

EX3. Exparte City of El Paso and City of El Paso Downtown Development Corporation in the District Court of Travis County, Texas, 261st Judicial District, Cause No. D-1-GV-13000050 Consolidated with case styled: Salvador Perez Gomez, Jose A. Lozano, Carl Starr (Coalition for Responsive Government v. City of El Paso, John Cook, Ann Lilly, Susie Byrd, Eddie Holguin Jr., Steve Ortega, Carl Robinson, Courtney Niland, Michiel Noe, Emma Acosta and Joyce Wilson, Pending in the County Court at Law No. 5 in El Paso County, Texas, Cause No. 2012DCV06482, and Ray Salazar, Richard A. Najera, Julie Reynolds, Guillermo Acosta and Othon Medina and Jesus B. Ochoa, Jr. v. City of El Paso, Texas, Mayor John Cook, Joyce Wilson, Ann Morgan Lilly, Susie Byrd, Michiel Noe, Steve Ortega, Courtney Niland, Pending in the 41st District Court of El Paso County, Texas, Cause No. 2012DCV07234. (551.071)
[City Attorney's Office, Laura P. Gordon (915) 541-4550]

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY THURSDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>